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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,219	04/01/2004	Kazuo Yokota	AK-452XX	7321

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BOSTON, MA 02109

EXAMINER

KAYRISH, MATTHEW

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/816,219

Applicant(s)

YOKOTA, KAZUO

Examiner

Matthew G. Kayrish

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Obata et al (US Patent Number 6275459).

Regarding claim 1, Obata et al disclose:

A disk apparatus for loading and driving an optical disk, and for recording or reproduction of data on the optical disk, the disk apparatus comprising:

First release means (figure 1, item 14) and second release means (figure 6, item 101) for externally manipulating a mechanism (figure 7, item 91) for unloading a loaded optical disk (column 11, lines 21-39);

Wherein manipulation of the second release means (the sliding rack will slide to lower the mechanism to allow ejection of the disc) forcibly unloads the loaded optical disk only after manipulation of the first release means (column 4, lines 44-45, an eject button, when pressed, will initiate the process of disk ejection).

Regarding claim 2, Obata et al disclose:

The disk apparatus according to claim 1, wherein the driving of a spindle motor (figure 7, item 95) for rotating the optical disk is stopped (figure 7, mechanical rack [91] is lowered out of contact with the disc) by the manipulation of the first release means (column 4, lines 44-45, an eject button, when pressed, will initiate the process of disk ejection).

Regarding claim 3, Obata et al disclose:

A slot-in type disk apparatus for loading and driving an optical disk, and for recording or reproduction of data on the optical disk, the disk apparatus comprising:

A loading gear unit (figure 26, item 100) for loading and unloading the optical disk (column 9, line 61);

A rack gear unit (figure 26, item 101) for interlocking with the loading gear unit (figure 26, rack unit [101] interlocks with loading gear unit [100]) and having a manipulation-protected state preventing unloading of the optical disk (columns 10 & 11, lines 57-67 & 1-5);

First release means (figure 1, item 14) for the loading gear unit being manipulatable externally (buttons are pressed from the outside) and causing release of the manipulation-protected state (column 11, lines 21-39); and

Second release means (figure 1, item 15) for the rack gear unit being manipulatable externally ((column 15, lines 40-46 & 60-63), (column 16, lines 10-15)) and causing optical disk unloading in the absence of the manipulation-protected state (columns 13 & 14, lines 59-67 & 1-7);

Wherein a manipulation-protected state of the rack gear unit is released by manipulation of the first release means for (column 4, lines 44-45, an eject button, when pressed, will initiate the process of disk ejection) the loading gear unit (column 11, lines 21-39).

Regarding claim 4, Obata et al disclose:

The disk apparatus according to claim 3, wherein the rack gear unit switches to a floating state (figure 32, rack gear in position P_{21}) to enable the unloading manipulation of the optical disk by the first release means for the manipulation of the loading gear unit (column 11, item 21-39).

Regarding claim 5, Obata et al disclose:

A disk apparatus for loading and driving an optical disk, and for recording or reproduction of data on the optical disk, wherein the disk apparatus comprising:

First release means (figure 35, item 165) and second release means (figure 35, item 101) for externally manipulating through an emergency through hole (figure 35, item 15) provided in an apparatus casing (figure 1, item 15); and

An emergency unloading mechanism (figure 35, item 35) for stopping driving of a spindle motor for rotating the optical disk by manipulation of the first release means (column 11, lines 21-39), and for unloading forcibly a loaded optical disk by manipulation of the second release means only after said manipulation of the first release means ((column 15, lines 40-46 & 60-63), (column 16, lines 10-15)).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for



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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish

12/12/2006

MK


12/12/06
WAYNE YOUNG
SUPERVISORY PATENT EXAMINER